

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

FRANKLIN ALBERTO	:	
MERO-SORNOZA,	:	CIV. NO. 23-158 (RMB)
	:	
Petitioner	:	
v.	:	MEMORANDUM OPINION
	:	
WARDEN OF FORT DIX,	:	
	:	
	:	
Respondent	:	

IT APPEARING THAT:

1. On or about January 12, 2023, Petitioner Franklin Mero-Sornoza, a prisoner confined in the Federal Correctional Institution in Fort Dix, New Jersey (“FCI Fort Dix”), filed a petition for writ of habeas corpus under 28 U.S.C. § 2241, alleging the Bureau of Prisons (“BOP”) unlawfully found him ineligible for application of First Step Act (“FSA”) Time Credits because he is subject to an immigration detainer. (Pet., Docket No. 1.)

2. On April 26, 2023, Respondent submitted a letter brief in lieu of an answer, explaining that the BOP has changed its policy, BOP Program Statement 5410.01, and inmates with immigration detainers are now eligible for application of FSA Time Credits. (Letter, Docket No. 6). BOP applied 365 days of FSA Time Credits, the maximum allowable under 18 U.S.C. § 3624(g)(3), toward Petitioner’s release date. (*Id.*; Declaration of Robert Jensen, Docket No. 6-1). Respondent, therefore, contends the habeas petition is moot because the case no longer presents a live case or controversy. (Docket No. 6 at 2.)

3. “If developments occur during the course of adjudication that eliminate a plaintiff’s personal stake in the outcome of a suit or prevent a court from being able to grant the requested relief, the case must be dismissed as moot.” *Blanciak v. Allegheny Ludlum Corp.*, 77 F.3d 690, 698–99 (3d Cir. 1996).

4. BOP has applied the maximum FSA Time Credits available towards Petitioner’s supervised release. 18 U.S.C. § 3624(g)(3).¹ Petitioner has received the habeas relief he requested. Therefore, the petition is moot, and the Court will dismiss this matter.

An accompanying Order follows.

DATE: May 9, 2023

s/Renée Marie Bumb
RENÉE MARIE BUMB
Chief United States District Judge

¹ 18 U.S.C. § 3624(g)(3) provides:

Supervised release.--If the sentencing court included as a part of the prisoner's sentence a requirement that the prisoner be placed on a term of supervised release after imprisonment pursuant to section 3583, the Director of the Bureau of Prisons may transfer the prisoner to begin any such term of supervised release at an earlier date, not to exceed 12 months, based on the application of time credits under section 3632.